7.8.2006 **Present: Mr.N.K.Thakur, Advocate, for the petitioner.**

Mr.M.S.Chandel, Advocate General, with Mr.P.M.Negi, Dy. Advocate General, for the respondent.

After hearing Mr. Thakur, learned counsel appearing for the petitioner and Mr. Chandel, learned Advocate General, I feel totally disinclined to interfere with the impugned order, but at the same time do wish to direct the learned Judicial Magistrate, Ist Class, Chamba, who has passed the impugned order, to ensure that the auction is held in such a manner that the petitioner is also associated with the auction process because the purpose should be that in the auction the goods sold fetch the best possible price. If the petitioner wants he can participate in the auction also in the sense that the petitioner can also bid in the auction and be an auction purchaser.

The amount received in the auction shall be put in a fixed deposit by and under the control of the learned Court below and shall lie there until the disposal of the case. If ultimately the petitioner wins the case and it is established in the Court that the property did not belong to the State Government and that the

petitioner was the rightful owner of the property, the auction money shall be made over to the petitioner.

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In view of the disposal of the main petition, the present application is also disposed of.

Dasti copy.

7th August, 2006 (V.K.Gupta), C.J.
(C)